

IN THE DISTRICT COURT OF THE STATE OF UTAH, IN AND FOR UTAH COUNTY.

Provo Reservoir company,
A corporation,
Plaintiff

vs

Provo City, Lincoln School district,
The Provo Bench Canal and Irrigation
Company, the Lake Bottom Canal Com-
pany, John H. McEwan, et al,
Defendants.

))):

ANSWER OF
SAMUEL REISKE

Now comes Samuel Riske and asks leave of court to be made a party defendant in this cause and permitted to file his answer herein for the following reason;

That he is the sole successor in interest to the rights to the use of water from certain tributaries of Provo River formerly owned and possessed by John H. McEwan, who is a party defendant named in the complaint of the plaintiff of this action, and, the said Samuel Reiske to be allowed to file his answer herein and admits, denies and alleges as follows;

I

Admits the allegations in paragraphs from 1 to 29 inclusive.

II

As to the allegations in paragraphs from 29 (A) to 29 (C) inclusive, this defendant has not sufficient knowledge or information to form a belief and therefore denies it.

III

Admits paragraph 29 (D)

IV

As to the statements contained in paragraph 29 (e) to paragraph 33 inclusive, this defendant has not sufficient knowledge to form a belief and therefore denies it.

V

The defendant admits paragraphs 34 and 35.

VI

As to paragraph 36, this defendant alleges, that he has not sufficient knowledge or information to form a belief except as hereinafter set forth and therefore denies it.

VII

As to the allegations in paragraph 37 defendant alleges, that he has not sufficient knowledge or information to form a belief except as hereinafter set forth and therefore denies it.

VIII

As to the allegations in paragraphs 38 and 39, defendant alleges that it has not sufficient knowledge or information on which to form a belief except as hereinafter set forth and therefore denies it.

IX

That on the 3rd day of September, 1909, the said John H. McEwan filed in the office of the State Engineer of Salt Lake City, Utah, his application to appropriate 2 cubic feet per second of water from the 1st, 2nd, and 3rd, Creeks and Crest Springs in Wasatch Co, Utah, the same being a tributaries of Provo River, which application was duly granted by the said State Engineer; also on September 30th, 1909, said John H. McEwan duly filed with the State Engineer at Salt Lake City, Utah, his application to appropriate 2 cubic feet per second of water from Deer Creek, Wasatch Co, Utah, said Deer Creek being a tributary of Provo River, which application after full hearing was duly granted by said State Engineer.

That said Appropriation was from April 1st, to November 30th, of each and every year. And the water thus appropriated has been used during the whole of the irrigation season of 1908 to the present time by the said defendant, John H. McEwan, and said Samuel Reiske, except as interfered with by the plaintiff or some one acting in its behalf and in behalf of some or all of the other defendants.

That there is sufficient water in Provo River and its tributaries to supply the reasonable demands and necessities of all of the appropriators prior in time and right to the said appropriation of the said John H. McEwan and the claims of the said Samuel Reiske.

WHEREFORE: the said Samuel Reiske prays for judgement against said plaintiff for 4 cubic feet of water per second to be used during the irrigating season of each year.

That he be allowed to file this answer and intervention and have his costs.

J. E. Booth
Attorney for Defendant
Samuel Reiske

State of Utah
SS
County of Utah

Samuel Reiske, being first duly sworn on his oath says that he is the defendant named in the foregoing answer, that he has read the same and knows the contents thereof, that the same is true of his own knowledge except as to those matters stated on information and belief and as to those matters he believes it to be true.

Samuel Reiske
Defendant

Subscribed and sworn to before me this 4 day 10 August, 1914.

Alfred L. Booth
Notary Public.